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March 1, 2004

To: Assistant Commissioner for Patents
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Attention: Examiner THOMAS L. DICKEY
Group Art Unit 2826
Phone Number: (703) 308-0980

Re: OFFICIAL RESPONSE UNDER 37 CFR §1.111

The following is an OFFICIAL RESPONSE to an Office Action filed January 29, 2004, in the below-identified U.S. Patent Application.

Application No. : 10/065,446 Confirmation No. 1352
Applicant : James H. Logsdon et al.
Filed: : October 18, 2002
TC/Art Unit: : 2826
Examiner : Thomas L. Dickey

Docket No. : DP-307128

Submitted by:
Domenica N.S. Hartman
Reg. No. 32,701

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Gary M. Hartman

Date: March 1, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/065,446 Confirmation No. **1352**
Applicant : James H. Logsdon et al.
Filed: : October 18, 2002
TC/Art Unit: : 2826
Examiner : Thomas L. Dickey
Docket No. : DP-307128

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action dated January 29, 2004, the Examiner reviewed claims 1-25 of the above-identified US Patent Application, with the result that the claims were subjected to a restriction requirement. More particularly, the Examiner required that Applicants make an election under 35 USC §121 between:

- claims 22-25 (Group I) drawn to a method;
- claims 1-8 (Group II) drawn to a device;
- claims 14-21 (Group III) drawn to a method; and
- claims 9-13 (Group IV) drawn to a device.

Application No. 10/065,446
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Reply to Office Action of January 29, 2004


More particularly, grounds for restriction were set forth between the claims of Groups I and II, Groups I and IV, and Groups II and IV. As such, grounds of restriction were not set forth between the method claims of Groups I and III or between the device claims of Groups II and IV. Finally, the Examiner cited product claims 1-8 of Group II as being linking claims between the inventions of Groups III and IV, and cited process claims 14-21 of Group III as being linking claims between the inventions of Groups I and II, such that the restriction requirement would be withdrawn as to the linked inventions and any claims depending from or otherwise including all of the limitations of the allowable linking claims would be entitled to examination. The Examiner concluded by characterizing the restriction as being between the product (device) claims 1-13 and the method claims 14-25.

In response, Applicants elect without traverse to prosecute Groups II and IV (device claims 1-13) on the merits. As such, linking claims 1-8 are also part of Applicants' election, making possible the rejoinder of method claims 14-21 (Group III) if the conditions set forth in the Office Action are met.

Application No. 10/065,446
Docket No. DP-307128
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Reply to Office Action of January 29, 2004

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

By 
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